

63M-6-101. Title.

This chapter is known as the "Military Base Easements Act."

Enacted by Chapter 382, 2008 General Session

63M-6-201. Acquisition of easements -- Restrictions -- Resale.

(1) (a) The Governor's Office of Economic Development shall acquire, by purchase or condemnation, easements for the establishment, maintenance, and operation of a restrictive use area for the operation of aircraft to and from Hill Air Force Base because:

(i) Hill Air Force Base is a military installation of vital importance to security of the United States of America and to the economic well-being of the citizens of Utah;

(ii) there are certain portions of land around the entire base that are being developed for residential and other uses that are incompatible with current and future operations of the base because of noise, health, safety, and accident reasons; and

(iii) it is the purpose of this chapter for the state to acquire those easements restricting the use of those lands and the air space above them in order to assure the continued operation of Hill Air Force Base as an active military base and to protect the health, safety, and economic well-being of the citizens of Utah.

(b) The Governor's Office of Economic Development may delegate its power to purchase or condemn easements under this subsection to other state agencies if the department ensures that those agencies comply with the procedures and requirements of this chapter.

(2) (a) The Governor's Office of Economic Development shall ensure that the easements restrict the land from those uses identified in the Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study, as amended, dated October, 1982, as not being acceptable.

(b) The Governor's Office of Economic Development may allow certain other uses not prohibited by those guidelines if those uses are consistent with the purpose of this chapter.

(c) Nothing in this chapter may be construed to authorize the Governor's Office of Economic Development or any other state agency to:

(i) acquire any ownership interest in real property other than an easement restricting the land from future uses inconsistent with the Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study, as amended, dated October 1982;

(ii) purchase businesses; or

(iii) require people to relocate or move from their property.

(d) To calculate the purchase price for the easements, the Governor's Office of Economic Development shall subtract the market value of the real property and its improvements after the acquisition of the easements from the market value of the real property and its improvements before the acquisition of the easements.

(e) When the Hill Air Force Base runways have not been used for seven years to accommodate the arrival and departure of airplanes, the Governor's Office of Economic Development shall:

(i) notify by certified mail each current owner of the property to which each

easement is attached;

(ii) inform that owner that the owner may purchase the easement from the state for the same price that the state paid for it originally or for the market value of the easement at the time of the buyback, whichever is smaller; and

(iii) sell the easement to the owner of the property to which the easement is attached if the owner tenders the purchase price.

(f) In addition to purchasing the easements required by this chapter, the Governor's Office of Economic Development may provide reasonable relocation expenses to all churches, businesses, and schools that, as of March 1, 1994, were located either within the north Hill Air Force Base accident potential zone (APZ) identified in Subsection 63M-6-202(1)(a) or within the south Hill Air Force Base accident potential zone (APZ) identified in Subsection 63M-6-202(1)(b) if those churches, businesses, and schools can reasonably demonstrate that expansion of the use would have been permitted before acquisition of the easements but is now prohibited because of the easement.

(3) (a) The Governor's Office of Economic Development may take action to enforce the provisions of this chapter.

(b) The attorney general shall represent the Governor's Office of Economic Development in that action.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-6-202. Location of easements.

(1) The Governor's Office of Economic Development or its designees may acquire easements on the land within the following boundaries:

(a) beginning on the north Hill Air Force Base accident potential zone (APZ) at a point which is North 1,089,743.170 meters and East 459,346.946 meters based on the North zone, State of Utah, NAD 83 coordinates and runs north to North 63 degrees 10 minutes 44 seconds, East 457.109 meters, North 26 degrees 49 minutes 16 seconds, West 3,352.129 meters, South 63 degrees 10 minutes 44 seconds, West 914.217 meters, South 26 degrees 49 minutes 16 seconds, East 3,352.129 meters, North 63 degrees 10 minutes 44 seconds, East 457.109 meters back to the point of beginning; and

(b) beginning on the south Hill Air Force Base APZ which is North 1,086,065.786 meters and East 461,206.222 meters based on the North zone, State of Utah, NAD 83 coordinates and runs South 63 degrees 10 minutes 44 seconds, West 457.109 meters, South 26 degrees 49 minutes 16 seconds, East 502.179 meters, South 0 degrees 20 minutes 35 seconds, West 1,722.227 meters, South 89 degrees 39 minutes 25 seconds, East 883.743 meters, North 63 degrees 10 minutes 44 seconds, East 914.217 meters, North 26 degrees 49 minutes 16 seconds, West 2,437.912 meters, South 63 degrees 10 minutes 44 seconds, West 457.109 meters back to the point of beginning.

(2) The Governor's Office of Economic Development or its designees may acquire easements on the following land that is located inside the 75 and 80 level day-night (LDN) noise contour as identified in the Hill Air Force Base AICUZ Land Use

Compatibility Guidelines Study, as amended, dated October, 1982:

- (a) in the west half of Section 3, T4NR1W;
- (b) in the east half of Section 4, T4NR1W;
- (c) in the northeast quarter of Section 8, T4NR1W;
- (d) within all of Section 9, T4NR1W;
- (e) in the northwest quarter of Section 10, T4NR1W;
- (f) within the southwest quarter of Section 19, T5NR1W;
- (g) in the south half of Section 20, T5NR1W;
- (h) within the southwest quarter of Section 28, T5NR1W; and
- (i) within Section 29, T5NR1W.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-6-203. Certain improvements, alterations, and expansions prohibited.

(1) A person or entity may not begin to develop, or authorize development, on any land identified in this chapter until the Governor's Office of Economic Development has affirmatively authorized the development of the land because the development is consistent with those uses identified in the Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study, as amended, dated October 1982.

(2) Nothing in this chapter prohibits any property owner from improving, altering, or expanding any existing residential or commercial use of the property owner's property so long as the improvement, alteration, or expansion does not materially increase the human density of that present use.

Renumbered and Amended by Chapter 382, 2008 General Session